



MINUTES OF OCTOBER 6, 2015

REGULAR MEETING OF THE COVINA CITY COUNCIL/SUCCESSOR AGENCY TO THE COVINA REDEVELOPMENT AGENCY /COVINA PUBLIC FINANCING AUTHORITY/COVINA HOUSING AUTHORITY HELD IN THE COUNCIL CHAMBER OF CITY HALL, 125 EAST COLLEGE STREET, COVINA, CALIFORNIA

CALL TO ORDER

Mayor King called the Council/Agency/Authority meeting to order at 7:30 p.m. All City Council Members were present. There was no closed session.

ROLL CALL

Council Members Present: Walter Allen III, Peggy A. Delach, Jorge Marquez, Mayor Pro Tem/Vice-Chair Kevin Stapleton, and Mayor/Chair John C. King.

Council Members Absent: None.

Elected Members Present: City Treasurer Geoffrey Cobbett and City Clerk Mary Lou Walczak.

Staff Members Present: City Manager Andrea M. Miller, City Attorney Candice K. Lee, Police Chief Kim Raney, Acting Assistant Fire Chief Jim Enriquez, Human Resource Director Danielle Tellez, Community Development Director Brian Lee, Police Captain Derek Webster, Police Lieutenant John Curly, GIS Technician James Knox, and Chief Deputy City Clerk Sharon F. Clark.

AGENDA POSTING DECLARATION

The Chief Deputy City Clerk of the City of Covina hereby declares the Council/Agency/Authority agenda for the October 6, 2015 meeting was posted on October 1, 2015 near the front entrance of City Hall, 125 East College Street, Covina, near the front entrance of the Covina Public Library, 234 N. Second Avenue, Covina, by the front entrance lobby of the Joslyn Center, 815 N. Barranca Avenue, Covina, and on the City's website in accordance with §54954.2(a) of the California Government Code.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Stapleton led the Pledge of Allegiance.

INVOCATION

Covina Police Chaplain Dave Truax gave the invocation.

PRESENTATIONS

Legislative Session Update by Tony Rice of Rice, Englander and Associates

Tony Rice presented a legislative session update.

Community Service Day Recognition

Mayor King presented certificates of recognition to the following businesses for their contribution to Community Service Day: Covina Wellness Center, Covina United Methodist Church, First Presbyterian Church, Covina Assembly of God Church, Christ First Baptist Church, Citrus Valley Florist, Santa Maria Group, Inc., M Advisors, Munchkin Donuts of Covina, Dr. Eddie Kalp, CK Angels Mercedes, JR Perryman, Covina Center for the Performing Arts, Solo Motor Sports, Albertsons West Covina, Chick Fil A, and Sherwin William Frazee Paint.

Mayor King recognized the following volunteers for their participation in Community Service Day: Christ First Baptist Church: Pastor James Laing and Team Lead Brian Scrivens; Assembly of God: Pastor Lee McFarland and Team Lead Chris Loong; First Presbyterian Church: Pastor Andrea Messinger and Team Lead Jan Chamberlain; Covina United Methodist Church: Pastor Floyd McKeithen and Team Lead Debbie Quon; River Community Covina/ Wellness Center: Program Director Christopher Abernathy.

-No Recess-

PUBLIC COMMENTS – None.

COUNCIL/AGENCY/AUTHORITY COMMENTS

Mayor King commented on the success of the following events: Third Annual First Responders Ceremony, hosted by Holy Trinity Episcopal Church; Grand Opening of Cougar Park; Grand Opening of IP Premier Insurance; Grand Opening of City Grill; and Covina Day at the Los Angeles County Fair.

Council Member Allen reported on his attendance at the League of California Cities Conference.

Mayor Pro Stapleton reported on his attendance at meetings of the Council of Governments (COG), the Sanitation District, and the Independent Cities Association (ICA); commented that he had been unable to attend the ICA meeting due to scheduling conflicts; and announced that he had resigned his position as ICA legislative chair due to the time constraints of his schedule.

Council Member Allen reported on his attendance at Gatsby 38 for two training sessions on the Public Employees Retirement System (PERS), and on surveying the community and virtual town hall meetings via social media; and commented on his last day of serving as Chair on the League's Public Safety committee.

Council Member Marquez reported on his attendance at the Gold Line station dedication; on Citrus Valley Health Partners' revealing of a new hybrid machine that is able to look inside the body while also streaming online to be viewed; and on the opening of the splash pad at Cougar Park. He requested that Council look into the issue of check-to-cash businesses for future consideration, and requested that the meeting be adjourned in memory of Rudy Fonseca, 2013 Volunteer of the Year for the Covina Police Department.

Council Member Delach gave a status report on the Gold Line: Metro has now taken over and performs all safety testing of tracks and cars; the Gold Line will open around January 2016; and

routes travel from Azusa Pacific University (APU) towards Pasadena, and eventually to Ontario Airport.

Mayor King announced the following events: 1) Thunderfest on Saturday, October 10, 2015 from 1:00 p.m. to 8:00 p.m.; 2) Household Hazardous Waste Event, Saturday, October 24, 2015; and 3) Smart Gardening Beginning Workshop on Saturday, October 17, 2015 from 9:30 a.m. to 11:00 a.m. at Charter Oak Park.

CITY MANAGER COMMENTS

City Manager Miller reported that the City is currently evaluating zoning restrictions including check-to-cash businesses, and that information will be provided in the future. She announced that Consent Calendar item CC 8 would be removed and rescheduled for approval at the next meeting of October 20, 2015, pending the receipt of additional backup documentation, and requested that Consent Calendar items CC 2 and CC 4 be approved with the exception of two checks to Kelly Management Group, one from each item, each in the amount of \$5992.50, which were being removed for further review.

CONSENT CALENDAR

Mayor Pro Tem/Vice-Chair Stapleton announced he would abstain from voting on Consent Calendar item CC 1, as he was not present at the meeting.

A motion was made by Mayor Pro Tem/Vice-Chair Stapleton, seconded by Council Member Allen to approve Consent Calendar items CC 1; CC3; CC5 through CC7; and CC9 through CC 11 as presented; and Consent Calendar items CC 2 and CC 4 as amended to remove the Kelly Management Group checks. Consent Calendar item CC 8 was removed and is to be rescheduled.

Motion approved the Consent Calendar item CC 1 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ
NOES: NONE
ABSTAIN: STAPLETON
ABSENT: NONE

- CC 1. City Council approved minutes from the September 1, 2015 Regular meeting of the City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority.

Motion approved the Consent Calendar items CC 3; CC 5 through CC 7; and CC9 through CC 11 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

- CC 3. Successor Agency to the Redevelopment Agency approved payment of demands in the amount of \$59,971.63.

- CC 5. City Council adopted **Resolution No. 15-7395** accepting grant funding from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, FY 2015; adopted **Resolution No. 15-7396** authorizing an increase to the Police Department 2015-2016 budget in the amount of \$10,619; and authorized the Chief of Police to execute the grant document on behalf of the City of Covina.
- CC 6. City Council and Housing Authority received and filed Covina Housing Authority Annual Report FY 2014-2015.
- CC 7. City Council approved the Professional Services Agreement with Broadspec, Inc. and authorized the City Manager to execute the Agreement on behalf of the City.
- CC 9. City Council adopted **Ordinance No. 15-2041** adding section 14.04.210 to Chapter 14.04 (Building Code) of the City of Covina Municipal Code to provide an expedited, streamlined permitting process for small residential rooftop solar energy systems.
- CC 10. City Council adopted **Ordinance No. 15-2043** to Amend Title 2 (Administration and Personnel) of Covina Municipal Code by Adding Chapter 2.54 (Public Projects) to Provide Bidding Procedures for Public Projects Under the Uniform Public Construction Cost Accounting Act.
- CC 11. City Council adopted **Resolution No. 15-7400** Declaring That the Public Interest and Necessity Demand the Immediate Expenditure of Public Money to Safeguard Life, Health or Property In Accordance with Chapter 2.5 (Emergency Contracting Procedures) of the Public Contracts Code. (Roycove Reservoir and Pump Station Emergency Repair Project)

Motion approved as amended for Consent Calendar items CC 2 and CC 4 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

- CC 2. City Council approved the payment of demands in the amount of \$2,866,737.45.
- CC 4. City Council approved the payment of demands in the amount of \$3,054,263.66. (Carried over from City Council meeting of September 15, 2015.)

NEW BUSINESS

- NB 1. Urgency Ordinance No. 15-2044 extending the moratorium on issuing any new dance and entertainment permits.**

The staff report was presented by City Manager Miller. In response to inquiries from the Council, Community Development Director Lee and Police Chief Raney clarified that the urgency ordinance will not impact current, valid permits; but is only a moratorium on new permits; and commented on the anticipated timeline to update the Municipal Code.

Mayor King opened the Public Comment period.

Mercy Moreno, Owner of City Grill, spoke in opposition to Urgency Ordinance No. 15-2044 if it impacted her ability to provide entertainment.

There was no one else wishing to speak; therefore, Mayor King closed the Public Comment period.

On a motion made by Council Member Marquez, seconded by Mayor Pro Tem Stapleton, the City Council approved **Urgency Ordinance No. 15-2044** extending the moratorium on issuing any new dance and entertainment permits.

Motion carried for New Business item NB1 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

NB 2. Amending the Classification Plan to Adjust the Salary Range for Finance Director

The staff report was presented by City Manager Miller and Human Resources Director Tellez.

Council discussion included the process used to gather salary-range data, concern about the City's ability to pay, the need for qualified staff, comparisons to surrounding cities, and reasons for the salary range chosen.

There was no public comment.

On a motion made by Council Member Marquez, seconded by Council Member Allen, the City Council approved **Resolution No. 15-7399**, amending the Executive Compensation Rules (2013 version) to establish a new monthly salary range for the Finance Director Classification at Range 8063 (\$11,033.63-\$15,000.00).

Motion carried for New Business item NB2 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

PUBLIC HEARING

PH 1. A public hearing to consider voiding Conditional Use Permit No. 11-006 (authorizing a restaurant with outside sidewalk dining with alcohol and entertainment located upon real property at 211 North Citrus Avenue, Covina) for

non-compliance with the conditions of approval; violations of the Covina Municipal Code; numerous calls for service from the Covina Police Department between October 2013 and April 2015; sales of a controlled substance; and non-compliance with the corresponding Dance and Entertainment Permit and other applicable laws and regulations.

Mayor King opened the public hearing.

Attorneys stated their names for the record; James Eckert representing staff, and Candice K. Lee representing City Council. It was noted that the permittee had no attorney present. City Attorney Lee stated for the record that she did not advise staff on any component of the revocation to ensure due process on behalf of the permittee.

Mayor King requested that the permittee and staff advise the Council if they have reached any stipulations as to facts and/or evidence, asked that any stipulations be made part of the record, and that copies of any stipulated exhibits be provided to the Council and to the City Attorney.

Attorney Eckert responded that there were no stipulations between staff and the permittee.

City Attorney Lee gave instructions for identification of exhibits and recommended that Council ask any questions prior to the end of the public hearing.

The staff report was presented by Community Development Director Lee, who identified the staff report as Exhibit 1, and the attachments to the staff report as Exhibits 2-9, for the record.

Mayor King recessed the meeting at 8:53 p.m., and reconvened the meeting into open session with all council members present at 9:07 p.m.

City Manager Miller distributed a packet received from the permittee to Council and made it available to the public.

Community Development Director Lee resumed the staff report, presented staff's recommendation that the conditional-use permit be revoked, and presented several alternative actions for Council's consideration.

Attorney Eckert advised that no witnesses would be called, provided background information on the matter, and presented staff's case recommending revocation of the conditional-use permit.

Attorney Eckert, Community Development Director Lee, and Police Chief Raney responded to questions from Council regarding the process of suspension of the Alcoholic Beverage Control (ABC) license and the current status of the permittee's license; interior alterations which had been made to the property; illegal uses of interior space; the quantity and severity of calls to Police Department; the amount of police staff time required to deal with service calls to the business; automatic revocation of the conditional-use permit by not operating for 180 days; failure of the permittee to preserve or provide records of sales of food and alcohol; and regarding compliance with the conditional-use permit requirements.

Attorney Eckert reiterated that staff's staff report and attachments would be identified as Exhibits 1-9.

Luis Niebla representing Citrus International and Owner Vivian Xie (Permittee) spoke in opposition to the voiding of Conditional-Use Permit No. 11-006. Mr. Niebla expressed his interest in leasing out the venue/restaurant to another lessee. Owner Xie rebutted statements by James Eckert, presented her viewpoint on the events relating to the violations of the conditional-use permit, and answered questions from Council regarding her knowledge of what was happening at the business and what solutions she would propose going forward.

The Permittee requested that the letter requesting the stay dated September 29, 2015, and date-stamped by the Planning Department on September 30, 2015, be included as part of the record. City Attorney Lee responded that said document would be designated as Exhibit A.

Mayor King opened public testimony. There were no public comments.

In response to additional questions from Council, Attorney Eckert gave details on how the Permittee had received notice from the City.

Attorney Eckert summarized that the sincerity of the Permittee going forward is not in question, but willingness to comply is, as the Permittee has admitted knowledge of violations and did not resolve them.

In response to questions from Council, Mr. Niebla and Owner Xie stated that they are willing to comply with the existing conditional-use permit or a modified conditional-use permit.

Staff responded to questions from Council regarding the timeframe for a new conditional-use permit.

On a motion made by Mayor Pro Tem Stapleton, seconded by Council Member Delach, Mayor King closed the public hearing.

Motion carried to close the Public Hearing as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Mayor King announced that Council was now in the deliberation phase of the proceedings.

A motion was made by Mayor Pro Tem Stapleton to direct staff to work with the applicant to modify the conditional-use permit to address the specific issues that have been wrestled with and allow for tighter control and ensure compliance.

Following discussion, Mayor Pro Tem Stapleton modified his motion and moved to direct the City Attorney to prepare a revised resolution revoking Conditional Use Permit No. 11-006 and temporarily staying the revocation to provide the opportunity to negotiate modifications to the conditional use permit that are acceptable to staff and the Council, and for staff to report back at

the October 20, 2015 Council meeting as to the timeframe needed to process a conditional use permit modification. Council Member Allen seconded the motion.

City Attorney Lee asked for and received clarification that a resolution was not being adopted at this time, but that a resolution would be prepared for presentation to the Council at a November 2015 Council meeting.

Motion carried as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

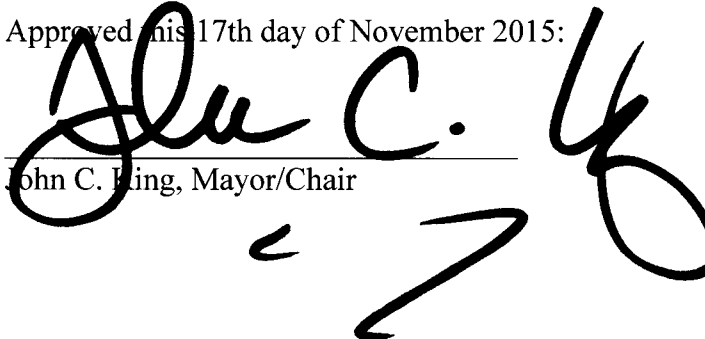
ADJOURNMENT

At 11:17 p.m., the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Financing Authority/Covina Housing Authority adjourned in memory of Rudy Fonseca to its next regular meeting of the Council/Agency/Authority on Tuesday, October 20, 2015 at 6:30 p.m. for closed session, and 7:30 p.m. for open session in the Council Chamber located inside of City Hall, 125 East College Street, Covina, California, 91723.

Respectfully Submitted:


Sharon F. Clark, Chief Deputy City Clerk

Approved this 17th day of November 2015:


John C. King, Mayor/Chair